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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,560	09/22/2003	Robert P. Bartholomew	4164-195	2920

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Robert B. Reeser, III
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102

EXAMINER	
NGUYEN, DAT	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
02/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary	Application No.	Applicant(s)	
	10/668,560	BARTHOLOMEW ET AL.	
	Examiner	Art Unit	
	DAT T. NGUYEN	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38,40-73 and 75-92* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38,40-73 and 75-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 11/13/2007 in which applicant amends claims 24, 38, 59 and 73, cancels claims 39 and 74 and responds to claim rejections. Claims 1-38, 40-73 and 75-92 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-38, 40-73 and 75-92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 23 and 58 recite the limitation of a session identifier configured to determine if a bonus session is active based on at least one of a location of the gaming machines and a type of gaming machine. However there is not sufficient support for one of ordinary skill in the art to make or use the invention. At best paragraph [0072] of applicant's specification merely recites the bonus identifiers however there is no support for basing them on location or type of gaming machine. For the purposes of furthering prosecution, as best understood in light of the specification, the examiner interprets the claimed session identifier as an identifier to

identify gaming machines that are activated in a bonus mode based on some identifier means.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23, 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 77, 78, 80, 81 and 92 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Olsen (US 6,146,273) in view of Walker et al. (hereinafter as "Walker") (US 6,773,345 B2).

The discussion of Olsen with respect to the claim limitations from the previous office action dated 07/13/2007 is incorporated herein.

Regarding claims 1, 23 and 58: Olsen teaches the game having a bonus mode that is to be initiated at the gaming machines and to last for a certain amount of time (13:45-67) and further the machines are addressed by machine number corresponding to their location (G1-Gk, that is each machine having a unique corresponding G#, akin to an address/location identifier). The game of Olsen then determines which machines are eligible for a bonus jackpot during the bonus time period based on their bonus status (whether or not they are eligible for bonus play be being in a bonus session, 11:40-13:10). Olsen further teaches that once the bonus round is to start, all eligible

machines are "locked-in" (12:20-40) while ineligible machines are "locked-out". Therefore, in order for the system to function, there must inherently be some software, determining step or means to identify the players that are in the bonus session (eligible for bonus award) based on their machine location/type or else the system of Olsen would not be able to perform its intended purpose of awarding players who are in a bonus session a bonus award.

Although it is not explicitly stated that there is a determining means for determining the bonus status of the game machines based on their location/game type, as stated above, Olsen teaches an addressable system that gives each machine a unique identifier akin to an address which inherently corresponds to their location. Walker provides further teachings for determination software, means and methods for determining the bonus status of game machines (figure 11 and the detailed description thereof, further support is found on figure 7 and the detailed description thereof). Walker teaches a bonus game wherein bonus symbols are to persist on a gaming machine during bonus time periods wherein the bonus symbols are accumulated and after a certain number has been accumulated during the time period for each, a bonus may be awarded. Within said bonus scheme, there is taught a step of determination of whether or not the machine is in the bonus session (that of having bonus symbols, feature 1112 in figure 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to determine the machines that are in a bonus session in order to provide the machines in the bonus session a bonus award. One would be motivated to do so because having a bonus mode that does not provide some unique

benefit to the players/machines in the bonus mode would defeat the purpose of a bonus mode since players in said bonus mode would not have any advantage or extra incentive to be in the bonus mode.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen/Walker as discussed above and further in view of Rowe et al. (hereinafter as "Rowe") (US Patent Pub. 2002/0187834).

The discussion/rejection of Olsen and Rowe as applied to the claims as stated in the previous rejection dated 07/13/2007 is maintained, modified, and incorporated herein.

The only modification to the rejection would be the alternative addition of Walker to the prior art as discussed above in the rejection of claims 1, 23 and 58.

Claims 50 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen/Walker in view of Pau (US Patent Pub. 2002/0042294).

The discussion/rejection of Olsen and Pau as applied to the claims as stated in the previous rejection dated 07/13/2007 is maintained, modified, and incorporated herein.

The only modification to the rejection would be the alternative addition of Walker to the prior art as discussed above in the rejection of claims 1, 23 and 58.

Response to Arguments

Applicant's arguments with respect to claims 1-38, 40-73 and 75-92 have been considered but are moot in view of the new ground(s) of rejection.

Applicant alleges that the prior art does not teach the currently amended claimed limitations of determining whether a bonus session is active based on at least one of a location of a game machine and a type of game machine. The examiner respectfully disagrees. As stated in the above rejection of claims 1, 23 and 58, the examiner believes the feature is inherent within Olsen. However, if the rationale set forth for inherency is not satisfactory, the examiner has provided explicit teachings from Walker for the determination step of a bonus session.

Regarding the limitation of the determining step being based on a game location and/or game type, the examiner does not believe there to be support for such limitations and further it is not understood what exactly applicant means by the determining steps being based on said criteria. Since a bonus game machine is made eligible through other means which aren't yet claimed. The claimed step merely requires a determination of whether or not certain machines are in a bonus session and so the examiner is unable to see why and how their location/type has any relevance to the mater. Please see the 112 rejection above. As best understood, the examiner interprets the limitation as discussed above with Olsen being a system that inherently uses a machine's location in said determining step.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

Dat Nguyen